

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, January 10, 2018

Present: Stephen K. Hess, Chair
Ernest A. Heller, Commission Member
Christopher D. Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: Timothy J. Tosten, Vice Chair
M. Shane Canfield, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on January 10, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the December 13, 2017 meeting were emailed to the members before the meeting.

MOTION: Ms. Lundahl made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Discussion and approval of changes to the financial disclosure forms – Ms. Thall summarized the changes made to the long and short annual financial disclosure forms. The forms, which were emailed to the members in advance of the meeting, were revised to show the employee's or official's name, official title, working title and division, office, board or commission on the first page of the form. The short form was also amended to expand all five questions to include immediate family members in addition to the official or employee. A discussion of the manner in which gifts are disclosed on the forms also took place.

MOTION: Mr. Heller made a motion to approve the long and short annual financial disclosure statements as circulated prior to the Commission's meeting. Ms. Lundahl seconded the motion, which was approved unanimously.

Discussion of the Ethics Law brochure (continued) – On December 26, 2017, Mr. Shapiro circulated proposed edits to the Ethics Commission's brochure on the Ethics Law. The members discussed Mr. Shapiro's recommendations, as well as changes that could be made to the appearance of the brochure.

MOTION: Mr. Heller made a motion to amend the brochure as described in Mr. Shapiro's December 26, 2017, email. Mr. Glass seconded the motion, which was approved unanimously.

Vote to meet to perform an administrative function – Prior to the Commission's December meeting, the Commission received a request for an advisory opinion from a County employee. The Commission discussed the employee's request at the December meeting and agreed to defer a decision until the January meeting. The Commission wished to conduct an administrative function meeting to discuss how the Ethics Law should be applied to the employee.

MOTION: Mr. Glass made a motion to hold an administrative function meeting to discuss the pending request for an advisory opinion. Mr. Shapiro seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 7:15 p.m. on January 10, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Commission members Stephen K. Hess, Ernest A. Heller, Christopher D. Glass, Sr., Deborah L. Lundahl and Alan Shapiro were present, as were Alternate Commission Member Deidre R. Davidson and Ms. Thall. The Commission members discussed their concerns over potential conflicts of interest identified and how those conflicts of interest could be avoided. The Commission discussed the applicable conflict of interest provision in the Ethics Law and how that law should be applied in its Advisory Opinion. Mr. Glass made a motion to have an Advisory Opinion prepared consistent with the guidance provided during the discussion. The motion was seconded by Ms. Davidson. Ms. Lundahl recused herself and did not participate in the vote.

The Commission resumed its public meeting at approximately 7:45 pm.

Discussion of an employee's conflict of interest based on information the employee provided in his financial disclosure statement – The members continued their discussion from the December 2017 meeting with regard to a conflict of interest arising out of an employee's acceptance of a gift from someone whose work he inspects as part of his County job. The members discussed what action should be taken and how that action should be communicated to the employee.

MOTION: Mr. Glass made a motion to have a letter drafted to advise the employee of the conflict of interest, to require that the gift be returned and to provide the employee the right to contest the Commission's decision within a set period of time. Mr. Hess amended the motion to include a requirement that the letter make reference to the provision in the Ethics Law regarding the acceptance of gifts over \$20. Ms. Davidson seconded the amended motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 8:05 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney